

**Brownfields Advisory Committee (BAC)**  
**DNREC's New Castle Field Office**  
**391 Lukens Drive**  
**New Castle, Delaware**  
**Dec. 1, 2011\***  
**Meeting Minutes**

**Attendees:**

Todd Coomes, Richards Layton & Finger  
Anthony Fatiga, Pennoni  
Kathy Fox, EA Engineering  
Clay Greer, Ten Bears  
Stephanie Hansen, YCST  
Karl Kalbacher, NCC  
David Kane, TetraTech  
Mark Lannan, BrightFields  
Will Lyman, KCI Technologies  
Michael Naughter, Black & Veatch  
Lynn Poling, Lewis Environmental  
Paul Sample, Technical Advisory Office  
Kris Saum, ERM  
Eileen Synder, Columbia Analytical  
Bill Smith, Environmental Alliance  
Bill Stephens, STEPHENS Environmental  
Mike Vanderslice, Environmental Alliance  
Chris Whallon, Duffield  
Marian Young, BrightFields

**DNREC:**

Kim Chesser  
Marjorie Crofts  
Kate Durant  
Melissa Leckie  
Steven Johnson  
Robert Newsome  
Jim Poling  
Tim Ratsep  
Christina Wirtz

**DOJ**

Keith Brady

\*Note information regarding the Dec. 1 meeting is available online at:

<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

**Introductions and Opening Remarks** –Tim Ratsep welcomed old and new members.

**Approval of Minutes from Oct. 3 Meeting** – The meeting minutes were unanimously approved.

**What is DNREC's Regulatory Advisory Service?** - Kim Chesser, DNREC's Small Business Ombudsman, presented information on her responsibilities including the Regulatory Advisory Service (RAS). For more information and a link to the RAS information sheet, please visit:

<http://www.dnrec.delaware.gov/SBA/Pages/Default.aspx>.

**Subcommittee Report Outs:**

**Brownfields Finance Subcommittee** – The use of BF's grant funding for asbestos cleanup was approved by the BAC, as long as asbestos was not the only contaminant found at the BF's site. The funding would be limited to 10% of the total eligible costs, with a maximum funding cap of \$20,000 for private entities and \$62,500 for nonprofits. Regarding BF's grant funding for a cap remedy, the BAC approved the reimbursement of costs for the least costly cap remedy required by the final plan of remedial action for the site. These two changes will be incorporated into the BF's funding guidance document.

Discussion also continued on HSCA statutory requirements vs. economic development with respect to the BF's development program, and whether BF's funding should be decoupled from a



release of liability. Marian Young of BrightFields volunteered to draft language on this issue for consideration by the BAC.

**Regulatory Development Subcommittee** – Extensive discussion on the draft *Delaware Regulations for Hazardous Substance Cleanup*. Most of the sections detailed in the blackline version dated Nov. 2011 were accepted at the meeting. The new blackline version (Dec. 2011) is now available at: <http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>.

Due to the many comments and concerns received, SIRS and the BAC agreed to set up a select 11-person committee to re-evaluate **Section 3.1 (Reporting Requirements)** of the draft HSCA regulations. This committee will consist of three members from the Division of Waste and Hazardous Substances, one Deputy Attorney General, one member from the public, one member from the Delaware State Bar Association, one member representing local governments, two members from the Committee of 100, and two members from Delaware State Chamber of Commerce. The committee will meet every Thursday, starting January 12th from 9am to noon at our Lukens Drive office for 12 weeks, to work toward a consensus on this part of the regulations. Those interested in participating in the Section 3.1 series of meetings as a representative of one of the above-listed organizations, should contact the associated organizations directly.

**With regards to Section 6 (Consultant Qualifications)** of the proposed regulations, SIRS and BAC also agreed to set up a one-day meeting on January 11, 2012, at Lukens at 9am to discuss this part of the regulations. All are welcome to attend. SIRS and stakeholders are planning to come to a final consensus on Section 6 during this public meeting.

**Please note that the timetable for the rollout of the regulations will be extended into spring 2012, following resolution of the reporting requirements and consultant qualifications issues.**

**Next Meeting – The next meeting of the BAC will be held on March 1, 2012 at the Lukens office.**